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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,900	11/05/2002	Richard C. Walton	02703-023001	6238
26161	7590	01/11/2005		
FISH & RICHARDSON PC 225 FRANKLIN ST BOSTON, MA 02110			EXAMINER PATTERSON, MARC A	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/713,900

Applicant(s)

WALTON ET AL.

Examiner

Marc A Patterson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 and 48-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 and 48-53 is/are rejected.
- 7) ☒ Claim(s) 1-24 and 48-53 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION*Claim Objections*

1. Claim 1 – 24 and 48 – 53 are objected to because of the following informalities: The claimed invention is a ‘non – woven wet wipe product comprising a sheet member,’ ‘the product comprising a segment of a non – woven self – supporting web,’ but the relationship of the non – woven wet wipe product to the sheet member is unclear, because only the self – supporting web is defined as being non – woven. For purposes of examination, the sheet will be interpreted to be the same article as the non – woven self – supporting web. The meaning of the phrase ‘prolonged presence’ is also unclear as it is unclear how long the ‘prolonged presence is for.’ The phrase ‘the heat – set condition of the dry – creped thermoplastic fibers preserving the ridge and groove configuration during prolonged presence’ is also directed to a functional use of the invention, rather than a structural limitation, and is therefore given little patentable weight. The meaning of the phrase ‘a segment’ is also unclear, because the difference between a web and a segment of a web is unclear. For purposes of examination, the non – woven web will be interpreted to be any non – woven web. The phrases ‘sheet – form member’ and ‘the wet agent’ have insufficient antecedent basis. Appropriate correction is required.
2. Claim 2 is objected to because of the following informalities: The meaning of the phrase ‘adapted to be wetted’ is unclear because it is unclear if the sheet member is wetted or not. For purposes of examination, the phrase will be interpreted to mean that the sheet member is wetted. Appropriate correction is required.

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3. Claim 8 is objected to because of the following informalities: The claim is directed to a weight distribution of thermoplastic and absorbent fibers, but it is unclear if the absorbent fibers are non – thermoplastic. For purposes of examination, the absorbent fibers will be interpreted to be non – thermoplastic. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 – 2, 8 – 18, 20 – 24 and 48 – 53 are rejected under 35 U.S.C. 102(b) as being anticipated by Wang et al (U.S. Patent No. 5,935,880).

With regard to Claims 1 – 2, 10, 23 and 52 – 53, Wang et al disclose a nonwoven (column 3, lines 48 – 58) wet wipe product (column 3, lines 48 – 58) comprising a sheet member (paper towel; column 3, lines 48 – 58) pre – wetted with a wet wiping agent (column 8, lines 13 – 24) and disposed in a fluid proof package (column 8, lines 13 – 24); the product comprises a nonwoven self supporting web (column 3 lines 59 – 67); column 4, lines 1 – 8; the web is cured, therefore self supporting) comprising hydroentangled fibers (therefore an assemblage formed by entanglement; column 1, lines 24 – 27) including thermoplastic fibers (synthetic fiber; column 4, lines 30 – 41) comprising polyester (column 4, lines 30 – 31) and absorbent fibers (the article is absorbent; column 3, line 5) which are strength providing (the fibrous fabric exhibits improved strength; column 7, lines 54 – 56); the nonwoven web is creped (column 7, lines 13 – 21) the nonwoven web is in a permanent, dry – creped (column 7, lines 13 – 21), heat – set (cured;

column 7, lines 30 – 33) condition, therefore defining a succession of ridges and grooves in the overall body because it is creped and which are preserved because they are permanent; the wet wiping agent is disposed through the body of the web and its constituent fibers (the web is absorbent; column 2, lines 59 – 60) and on the surface of the web (the web comprises surfactants, and is therefore adsorbent; column 4, lines 41 – 44); the web is in a volume – enhanced condition (the web comprises fluff and therefore comprises an additive that adds an air volume to the fiber volume; column 4, line 49). With regard to the claimed aspect of the web having been heat set during the imparting of ridges, the structural limitations of the claims fall within the limitations of Wang et al as discussed above. The method of making the web is given little patentable weight.

With regard to Claim 11, the fibers of the nonwoven web of Wang et al comprise polyester (column 4, lines 30 – 41); the claimed aspect of the fibers comprising polyethylene terephthalate therefore reads on Wang et al.

With regard to Claim 12, the thermoplastic fibers of Wang et al comprise polypropylene (column 4, lines 30 – 40).

With regard to Claim 13, Wang et al discloses the use of polyethylene (column 2, lines 18 – 22) as a thermoplastic fiber (column 2, lines 7 – 11).

With regard to Claims 14 – 15, the absorbent fibers of Wang et al comprise natural cellulosic fibers (column 4, lines 13 – 29).

With regard to Claims 8 – 9 and 16, Wang et al discloses the use of any upper limit of amount of thermoplastic fiber (the upper limit of the percentage is not critical; column 4, lines 33 – 36); Wang et al therefore disclose a web in which all of the fibers are thermoplastic and a web

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in which $1/3$ or $1/2$ of the fibers are non – thermoplastic, therefore $2/3$ or $1/2$ are non – thermoplastic.

With regard to Claim 17, the absorbent fibers of Wang et al comprise rayon (column 4, lines 30 – 40).

With regard to Claim 18, the fibers of Wang et al comprise polyester and wood pulp (column 4, lines 12 – 40).

With regard to Claims 20 – 22, the wiping agent of Wang et al is aqueous and therefore comprises a paint solvent (column 8, lines 13 – 25).

With regard to Claims 23 – 24, a plurality of the sheet members of Wang et al are stacked, therefore face – to – face, in a fluid tight container (water – tight package; column 8, lines 13 – 18).

With regard to Claim 48, the fiber content of the nonwoven assemblage of Wang et al comprises at least 20% by weight thermoplastic fibers (30%; column 4, lines 30 – 32).

With regard to Claims 49 – 51, the structural limitations of the claims fall within the limitations of Wang et al as discussed above. The method of heat setting is given little patentable weight.

6. Claims 3 – 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al (U.S. Patent No. 5,935,880).

Wang et al disclose a wet wipe as discussed above. With regard to Claims 3 – 7, Wang et al fail to disclose a wet wipe that is coarsely dry creped and a wet wipe comprising between 8 and 25 ridges per inch. However, Wang et al disclose at least one ridge in the web, because the

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web is creped (column 7, lines 13 – 21) and discloses that the web is creped for the purpose of obtaining z direction – fiber orientation (z – fiber orientation; column 2, line 67; column 3, line 1). The total number of ridges, and therefore ridges per inch and the coarseness of the creping, Therefore one of ordinary skill in the art would have recognized the utility of varying the ridges per inch to obtain a desired amount of fibers oriented in the z direction. Therefore, the amount of fibers oriented in the z direction would be readily determined through routine optimization of the number of ridges per inch by one having ordinary skill in the art depending on the desired end use of the product.

It therefore would be obvious for one of ordinary skill in the art to vary the thickness in order to obtain a desired amount of fibers oriented in the z direction, since the amount of fibers oriented in the z direction would be readily determined through routine optimization by one having ordinary skill in the art depending on the desired end result as shown by Wang et al. With regard to the claimed aspect of the web having been coarsely dry creped, the structural limitations of the claims fall within the limitations of Wang et al as discussed above. The method of dry creping the web is given little patentable weight.

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al (U.S. Patent No. 5,935,880) in view of Srinivasan et al (U.S. Patent No. 5,500,281).

Wang et al disclose a wet wipe product comprising a nonwoven web as discussed above. Wang et al fail to disclose a wet wipe product which comprises a spunlaced web. Srinivasan et al teach that nonwoven webs are equivalent to spunlaced webs (column 13, lines 63 – 67; column 14, lines 1 – 3) in the making of a wipe product (column 13, lines 63 – 67; column

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14, lines 1 – 3) for the purpose of making a product which is medically safe (column 14, lines 10 – 18). The desirability of providing for a spunlaced web in Wang et al, which is a wipe product, would therefore have been obvious to one of ordinary skill in the art.

It would therefore have been obvious for one of ordinary skill in the art to have provided for a spunlaced web in Wang et al in order to make a product which is medically safe as taught by Srinivasan et al.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497. The examiner can normally be reached on Monday - Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marc Patterson 1/10/05
Marc A Patterson, PhD.
Examiner
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